

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**CHRISTOPHER MICHAEL  
PERRICONE,  
Plaintiff**

**v.**

**THE CITY OF MINERAL  
WELLS, TEXAS,  
Defendant**

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**CIVIL ACTION NO. 4:19-cv-00992-O**

**PLAINTIFF’S AND DEFENDANT’S JOINT MOTION TO MODIFY DOCKET  
CONTROL ORDER AND FOR CONTINUANCE**

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NOW COME Plaintiff Christopher Michael Perricone and Defendant City of Mineral Wells, Texas and file their Joint Motion to Modify Docket Control Order and for Continuance, and would respectfully show unto the Court as follows:

**I.**

On January 23, 2020, the Court entered a Docket Control Order, setting this case for trial on February 8, 2021, and setting pre-trial deadlines based on that trial date. (*See* Dkt. #9). At the time the Docket Control Order was issued, the parties believed the schedule it established was reasonable and the case could be properly litigated and prepared in accordance with it. Since that time, however, delays and accessibility issues occasioned by to the COVID-19 pandemic and associated stay at home and shelter in place restrictions have prevented the parties from conducting needed discovery and trial preparation within the original timelines. This has been true not only with this case, but with virtually all of the lawsuits that counsel for Plaintiff and Defendant are currently managing.

**II.**

Due to the delays and difficulties the parties have experienced as a result of the global coronavirus pandemic, Plaintiff and Defendant ask the Court to vacate the current docket control order, continue the case from its current trial setting, and issue a new docket control order establishing pre-trial deadlines in accordance with the new trial date. The parties request that the trial date and pre-trial deadlines be extended at least six months from their current dates. The extension is not sought for delay but so that justice may be done.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff and Defendant pray that this case be continued and the docket control order modified, as requested herein; Plaintiff and Defendant further pray well for such other and further relief, both general and special, in law and in equity, to which they may show themselves to be justly entitled.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT**

/s/ Randy Criswell

Randy Criswell, City Manager

City of Mineral Wells, Texas

**CERTIFICATE OF SERVICE**

I hereby certify that the 13<sup>th</sup> day of August, 2020, I electronically filed the foregoing document with the Clerk of the Court through the ECF system and an email notice of the electronic filing was sent to all attorneys of record.

/s/ Stephen D. Henninger

**STEPHEN D. HENNINGER**